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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,828	10/12/2000	James Paschal McCloskey	MSX 302RI	9910

7590 05/09/2008
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EXAMINER

RODRIGUEZ, JOSEPH C

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3653

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of Substance of Interview including description of the general nature of what was discussed:

Examiner provided Applicant with an update on the status of the application and noted that the statement of error in the declaration filed 10/26/07 no longer applies to the claims submitted 10/26/07.

That is, Applicant has stated the error to be "the issued patent includes claims covering the stockpiling conveyor that are too narrow" and that "an example of narrowly claiming the stockpiling conveyor is shown in original independent claim 1 which recites that in the retracted position the "first upper part extends over the chassis" and that "such a limitation is not necessary to distinguish the invention from the prior art." However, reissue claim 1 is actually more narrow than original claim 1 since it includes the limitations of patent claims 2 and 5. Furthermore, reissue claim 1 still contains the limitation "first upper part extends over the chassis". Thus the claims are not broader, and applicant has not set forth a proper error statement. Consequently, the oath/declaration must be amended to avoid a rejection under 35 USC 251 based on a defective oath/declaration.